

Application No.: 09/738,610
Amendment Dated: August 4, 2004
Reply to Advisory Action Dated: July 26, 2004

REMARKS

Brief Summary of Prosecution History

Initially, we note that claims 1, 3-8, and 10-11 stand allowed. (Paper No. 02142004 at 1 and 9.) In response to Paper No. 02142004, which maintained the rejection of claims 22-24 and 26-34 under 35 USC § 102(b) and claim 25 under § 103(a), a Response to Office Action (which included amendments to claims 22, 23, 29, and 30) was filed on June 7, 2004. The Examiner refused entry of these amendments. Accordingly, the claim amendments set forth above are based on the pending claims (i.e., the claims as amended in the Response to Final Office Action mailed on May 5, 2003).

After the June 7, 2004 Response was filed, telephonic interviews with the Examiner were conducted on July 8 and 9, 2004. We thank the Examiner for the courtesies extended during those interviews. In the interviews, the Examiner suggested amendments to the claims under rejection that would place them in condition for allowance. The claims have been amended as suggested by the Examiner, and it is respectfully submitted that the claims are now in condition for allowance.

Summary of Claim Amendments

Claims 7 and 28 have been amended to recite "1-5% by weight of pectin" exclusively for purposes of clarity. Support for these amendments is found in the specification at, for example, page 1, lines 16-22 and page 3, lines 7-14; and in Examples 1 and 3. These amendments do not change the scope of the claims in any way.

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Claims 22 and 29 have been amended to recite "consisting of...." Support for these amendments is found in the specification at, for example, page 1, lines 16-22 and page 2, lines 1-4; and in Examples 1 and 3.

Claim 23 has been amended to place it in Independent form and to incorporate the list of excipients from claim 34. Support for these amendments is found in the specification at, for example, page 1, lines 16-22; page 2, lines 1-4; page 3, lines 13-19; and page 4, lines 9-11; in Examples 1 and 3; and in original claim 1. See *in re Gardner*, 177 USPQ 396, 397 (CCPA 1973) and MPEP §§ 608.01(o) and (l).

Claim 30 has been amended to place it in Independent form, to incorporate the list of lubricants from claim 31, and to incorporate the list of excipients from claim 34. Support for these amendments is found in the specification at, for example, page 1, lines 16-22; page 2, lines 5-8; page 3, lines 13-19; and page 4, lines 5-11; in Examples 1 and 3; and in original claims 8-10 and 12-13. See *Id.*

Claims 31 and 34 have been canceled without prejudice.

Claim 33 has been amended to place it in Independent form and to incorporate the list of excipients from claim 34. Support for these amendments is found in the specification at, for example, page 1, lines 16-22; page 2, lines 5-8; page 3, lines 13-19; and page 4, lines 9-11; in Examples 1 and 3; and in original claims 8 and 12-13. See *Id.*

It is submitted that no new matter has been introduced by the foregoing amendments. As agreed by the Examiner in the interviews, these amendments place the application in condition for allowance. Accordingly, entry of the amendments,

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withdrawal of the rejections, and allowance of the claims is respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-9307 on August 4, 2004.


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Respectfully submitted,

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